REMARKS

Claims 1-48 and 51-65 are pending in this Application. The Examiner has rejected claims 1-48 and 51-65.

In the present reply, the Applicants have amended claims 1, 21, 40, 51, 55, 57, 61, 63, and 65 to more particularly and distinctly point out the subject matter regarded as the invention. In addition, the Applicants have canceled claims 11-20, 31-39, 53-54, 57-58, 62, and 64 without prejudice and reserve the right to prosecute the canceled claims in a continuation application, divisional application, or other filing.

All amendments are fully supported by the specification and no new matter has been added.

Claim Rejections

35 USC §112

The Examiner rejected claims 1-40 under 35 USC §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicants have amended claims 1, 21, and 40 to more particularly and distinctly claim the subject matter regarded as the invention. The Applicants submit that the claim amendments are fully supported in the specification in at least paragraphs [0020], [0024], and [0032], and Figures 2A, 2B, and 4.

Accordingly, the Applicants respectfully request withdrawal of the Examiner's 35 USC §112 rejection.

35 USC §102

Claims 1-5, 10-15, 20-25, 30-35, 40-44, and 51-70

The Examiner has rejected Claims 1-5, 10-15, 20-25, 30-35, 40-44, and 51-70 under 35 USC §102(b) as being anticipated by Okajima et al. (US Publication No. 2001/0018346).

Claims 11-15, 20, 31-35, 53-54, 57-58, 62, and 64 have been canceled by the Applicants in the present reply. Claims 66-70 were withdrawn from consideration in a previous reply.

The Okajima reference discloses a method and apparatus wherein a mobile station communicates to another station through a plurality of base stations and a

network. There is no disclosure, teaching or suggestion in the Okajima reference of identifying undesired communication signals from an identified other cell by a code specific to a particular other cell, ranking the other cells based upon a received power and selecting any of the undesired signals for further processing based upon such a ranking.

On the other hand, the Applicants' claimed invention, as claimed in amended independent claims 1, 21, 40, 51, 55, 59, 61, 63, and 65 includes, among other things, that undesired communication signals are identified to a cell based upon a cell specific scrambling code. Furthermore, the cells are ranked in accordance with a received power from the originating cell, which determines the particular undesired communication signals that are selected for further processing. There is no disclosure, teaching, or suggestion of any similar mechanism in the Okajima reference, either explicitly or implicitly.

Accordingly, the Applicants' claimed invention, as claimed in amended independent claims 1, 21, 40, 51, 55, 59, 61, 63, and 65, is patentable over the Okajima reference.

Claims 2-5 and 10 depend, either directly or indirectly, upon patentable amended independent claim 1 and are therefore patentable for at least the same reasons as patentable amended independent claim 1.

Claims 22-25 and 30 depend, either directly or indirectly, upon patentable amended independent claim 21 and are therefore patentable for at least the same reasons as patentable amended independent claim 21.

Claims 41-44 depend, either directly or indirectly, upon patentable amended independent claim 40 and are therefore patentable for at least the same reasons as patentable amended independent claim 40.

Claim 52 depends upon patentable amended independent claim 51 and is therefore patentable for at least the same reasons as patentable amended independent claim 51.

Claim 56 depends upon patentable amended independent claim 55 and is therefore patentable for at least the same reasons as patentable amended independent claim 55.

Claim 60 depends upon patentable amended independent claim 59 and is therefore patentable for at least the same reasons as patentable amended independent claim 59.

Accordingly, the Applicants' respectfully request the Examiner withdraw the 35 USC §102 rejections.

35 U.S.C. §103(a)

Claims 6, 16, 26, 36, 45, and 49-50

The Examiner rejected claims 6, 16, 26, 36, 45, and 49-50 under 35 U.S.C. §103(a) as being unpatentable over Okajima et al. (US Publication No. 2001/0018346) in view of Hasegawa (US Ref. No. 5,862,476).

Claims 16 and 36 are canceled in the present reply. Claims 49-50 were withdrawn from consideration previously.

There is no disclosure, teaching or suggestion in the Okajima reference of identifying undesired communication signals from an identified other cell by a code specific to a particular other cell, ranking the other cells based upon a received power and selecting any of the undesired signals for further processing based upon such a ranking. Furthermore, the Hasegawa reference fails to cure these deficiencies.

Accordingly, Applicants' claimed invention, as claimed in amended independent claims 1, 21, and 40, is patentably distinct from the Okajima and Hasegawa references, whether taken alone or in combination with one another.

Claim 6 depends from the Applicants' patentable amended independent claim 1, and is therefore patentable for at least the same reasons as Applicants' patentable amended independent claim 1.

Claim 26 depends from the Applicants' patentable amended independent claim 21, and is therefore patentable for at least the same reasons as Applicants' patentable amended independent claim 21.

Claim 45 depends from the Applicants' patentable amended independent claim 40, and is therefore patentable for at least the same reasons as Applicants' patentable amended independent claim 40.

Claims 7-9, 17-19, 37-39, and 46-48

The Examiner rejected claims 7-9, 17-19, 27-29, 37-39, and 46-48 under 35 U.S.C. §103(a) as being unpatentable over Okajima et al. (US Publication No. 2001/0018346) in view of Hudson (US Publication No. 2002/0176485).

Claims 17-19 and 37-39 are canceled in the present reply.

Again, there is no disclosure, teaching or suggestion in the Okajima reference of identifying undesired communication signals from an identified other cell by a code specific to a particular other cell, ranking the other cells based upon a received power and selecting any of the undesired signals for further processing based upon such a ranking. Furthermore, the Hudson reference fails to cure these deficiencies.

Accordingly, Applicants' claimed invention as claimed in amended independent claims 1, 21, and 40 are patentably distinct from the Okajima and Hudson references, whether taken alone or in combination with one another.

Claims 7-9 depend, either directly or indirectly, from the Applicants' patentable amended independent claim 1 and are therefore patentable for at least the same reasons as patentable amended independent claim 1.

Claims 27-29 depend, either directly or indirectly, from the Applicants' patentable amended independent claim 21 and are therefore patentable for at least the same reasons as patentable amended independent claim 21.

Claims 46-48 depend, either directly or indirectly, from the Applicants' patentable amended independent claim 40 and are therefore patentable for at least the same reasons as patentable amended independent claim 40.

Accordingly, the Applicants' respectfully request the Examiner withdraw the 35 USC §103 rejections.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-10, 21-30, 40-48, 51-52, 55-56, 59-61, 63 and 65, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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